



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL FIREFIGHTERS OF
MERRIMACK, IAFF

Petitioner

and

TOWN OF MERRIMACK, N.H.
FIRE DEPARTMENT

Respondent

CASE NO. F-0124

DECISION NO. 83-01

APPEARANCES

Representing the Firefighters

Richard E. Molan, Esq.

Representing the Town of Merrimack

Gary W. Wulf

Also in Attendance:

George Dickson, NHIAFF

J. William Degan, Firefighter

R. Paul Soucy, Lt.

Daniel LeClaire, Firefighter/Mechanic

David Hodgen, Admn. Asst. Town of Merrimack

Charles Q. Hall, Fire Chief

BACKGROUND

A petition for certification under RSA 273-A was filed in August 1982 accompanied by the required signature cards from employees wishing to be represented by the Professional Firefighters of Merrimack, IAFF, for the purpose of collective bargaining. The proposed unit included fire lieutenants, firefighters and the firefighter/mechanic.

The town objected to the composition of the unit, specifically to the inclusion of fire lieutenants whom they alleged possessed a significant degree of supervisory authority involving exercise of discretion. They further took exception to the inclusion of the firefighter/mechanic who worked different hours, on a different salary schedule and under different working conditions.

A unit determination hearing was held in the Board's office on November 18, 1982 at which time evidence and testimony was presented by all parties of interest.

FINDINGS OF FACT

Preliminary discussions between the firefighters and the Chief on the composition of the unit indicated no objection to its makeup, however further discussions with town officials resulted in the objections to the inclusion of the lieutenants and the firefighter/mechanic.

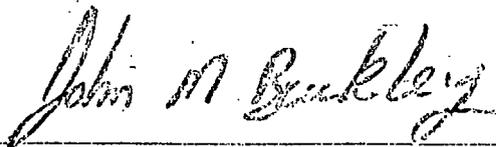
The firefighter/mechanic, although working different hours, does work under similar conditions and receives the same benefits as other firefighters.

Oral testimony revealed that in the absence of the Chief, the lieutenants are in charge of the department and are directly responsible for the evaluation of personnel and select their own replacements when absent from duty.

DECISION AND ORDER

After review of the testimony and written evidence presented before the Board, the following unit is hereby granted:

- 1) Unit composed of firefighters and the firefighter/mechanic.
- 2) Excluded from the unit: Chief, Deputies, Captains and Lieutenants.
- 3) Election in accordance with RSA 273-A and the Board's Rules and Regulations to be held within thirty days.



JOHN BUCKLEY, Acting Chairman

Signed this 14th day of February, 1983.

By unanimous vote. Alternate Chairman John Buckley presiding. Also present and voting, members Russell F. Hilliard, David L. Mayhew and Seymour Osman. Also present, Evelyn C. LeBrun, Executive Director.